

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
- v. -	:	<u>PROTECTIVE ORDER</u>
	:	
NATHANIEL CHASTAIN,	:	22 Cr. 305 (JMF)
	:	
Defendant.	:	
	:	
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Upon the application of the United States of America, with the consent of the undersigned counsel, and the defendant having requested discovery under Federal Rule of Criminal Procedure 16, the Court hereby finds and orders as follows:

1. The Government has made and will make disclosure to the defendant of documents, objects and information, including electronically stored information (“ESI”), pursuant to Federal Rule of Criminal Procedure 16, 18 U.S.C. § 3500, and the Government’s general obligation to produce exculpatory and impeachment material in criminal cases, all of which will be referred to herein as “disclosure material.” The Government’s disclosure material may include material that (i) affects the privacy, confidentiality and business interest of individuals and entities; (ii) would risk prejudicial pretrial publicity if publicly disseminated; (iii) reflects materials prepared by the Government for the purpose of providing certain notices to the defendant; and (iv) that is not authorized to be disclosed to the public or disclosed beyond that which is necessary for the defense of this criminal case.

2. The entry of a protective order in this case will permit the Government to produce expeditiously disclosure material without further litigation or the need for substantial redactions,

and will afford the defense prompt access to such materials, in substantially unredacted form, which will facilitate the preparation of the defense.

NOW, THEREFORE, FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED:

1. Disclosure material shall not be disclosed by the defendant or defense counsel, including any successor counsel (“the defense”) other than as set forth herein, and shall be used by the defense solely for purposes of defending this action. The defense shall not post any disclosure material on any Internet site or network site to which persons other than the parties hereto have access (not including the parties’ expert witnesses, investigators, advisors, consultants, and/or vendors, who are permitted to have such access), and shall not disclose any disclosure material to the media or any third party except as set forth below.

2. Disclosure material may be disclosed by counsel to:

(a) The defendant;

(b) Personnel for whose conduct counsel is responsible, *i.e.*, personnel employed by or retained by counsel, as needed for purposes of defending this action, including expert witnesses, investigators, advisors, consultants and vendors retained or consulted by defendant and/or his counsel;

(c) Prospective witnesses, and their counsel, to the extent deemed necessary by defense counsel, for purposes of defending this action; and

(d) Such other persons as hereafter may be authorized by the Court.

3. The Government may authorize, in writing, disclosure of disclosure material beyond that otherwise permitted by this Order without further Order of this Court.

4. This Order does not prevent the disclosure of any disclosure material in any hearing or trial held in this action, or to any judge or magistrate judge, for purposes of this action. However, the document bearing bates number USAO_SDNY_0000000117, the documents bearing bates numbers USAO_SDNY_0000000457-460, and material produced pursuant to 18 U.S.C. § 3500 should initially be filed under seal, absent consent of the Government or Order of the Court. Before filing records produced by OpenSea (bearing bates numbers beginning with “OS-SDNY”) or OpenSea production letters (bates numbers “USAO_SDNY_0000000461-0000000491”), the parties shall meet and confer regarding what, if any, of those documents should be filed under seal. If the parties cannot reach an agreement, the party seeking to file a document about which there is a dispute should initially file the document under seal, pending resolution of the dispute by the Court. In the event that the Government discloses additional materials that should initially be filed under seal, the Government shall indicate as such at the time the records are produced by designating the information as “protected information.”

5. Except for disclosure material that has been made part of the record of this case, the defense shall return to the Government or securely destroy or delete all disclosure material within 30 days of the expiration of the period for direct appeal from any verdict in the above-captioned case; the period of direct appeal from any order dismissing any of the charges in the above-captioned case; or the granting of any motion made on behalf of the Government dismissing any charges in the above-captioned case, whichever date is later.

6. The defense shall provide a copy of this Order to prospective witnesses and persons retained by counsel to whom the defense has disclosed disclosure material. All such persons shall

be subject to the terms of this Order. Defense counsel shall maintain a record of what information has been disclosed to which such persons.

7. This Order places no restriction on a defendant's use or disclosure of ESI that originally belonged to the defendant.

Retention of Jurisdiction

8. The provisions of this order shall not terminate at the conclusion of this criminal prosecution and the Court will retain jurisdiction to enforce this Order following termination of the case.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney

by: /s/ Thomas Burnett
Thomas Burnett
Nicolas Roos
Assistant United States Attorneys

Date: 7/11/2022

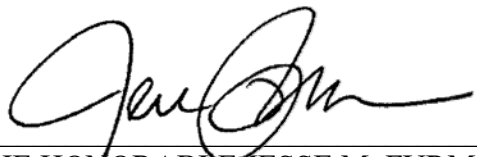
/s/ David Miller
David Miller
Counsel for Nathaniel Chastain

Date: 7/11/2022

SO ORDERED:

The Clerk of Court is directed to terminate Doc. #14.

Dated: New York, New York
July 26, 2022



THE HONORABLE JESSE M. FURMAN
UNITED STATES DISTRICT JUDGE